**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.RAMKUMAR**

**WEDNESDAY, THE 2ND MAY 2007 / 12TH VAISAKHA 1929**

**Bail Appl..No. 2655 of 2007**
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**(CRIME NO. 640/2002 OF KALADY POLICE STATION)**

**.....**

**PETITIONER/ACCUSED:**
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**THOMAS, S/O.JOSEPH,**
**MOLATHAN HOUSE, MALAYATTOOR KARA,**
**MALAYATTOOR VILLAGE,ALUVA TALUK.**

**BY ADV. SRI.K.SUNILKUMAR.**

**RESPONDENT/COMPLAINANT:**
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**THE STATE OF KERALA, REPRESENTED BY**
**PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. MEERA.K.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/05/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**V. RAMKUMAR, J.**

**B.A. No. 2655 OF 2007**

**Dated this the 2nd day of May, 2007**

**O R D E R**

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the accused in Crime No.640/02 of Kalady Police Station for offences punishable under sections 55(a) and 55(i) of the Abkari Act for allegedly having been found in possession of 2.975 litres of IMFL on 22.11.02, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. Moreover, I am not satisfied that both the grounds enumerated under section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the grant of anticipatory bail. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. If the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of, preferably on the same day on which it is filed.

This application is, accordingly, dismissed.

**(V. RAMKUMAR, JUDGE)**

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